

9.2 Variances/Applications for a Variance

Applicability:

“Any person seeking a variance shall file a petition for a variance with the director.” (Section 644.061.4, RSMo). Such a filing requires the submission of a complete Variance Application.

Content:

A variance from the provisions of the Missouri Clean Water Law or regulations may be sought whenever an arbitrary and unreasonable taking of property or practical closing of a business or activity would occur without comparable public benefit.

The Variance Application form is available on the department's web site. It may be accessed through the reference indicated in the Other Links Section below.

The form requires information about the owner of the operation in question, applicable permits and the location of the facility or discharge. The name and classification of the receiving stream must be provided. (Questions 1-3)

The form requires the applicant to specify the part of the law and/or regulations for which the variance is sought (question 4). If changes of pollutant (effluent) limitations are proposed, the characteristics of the pollutant and the alternative limits must be identified (question 5). The subject wastewater treatment facility must be described (question 6).

The application must state the reasons that the variance is being requested (question 7). Also, two questions about economic hardship or unreasonable costs without comparable benefit establish the statutory grounds needed for the commission to entertain the variance. One or both of questions 7a and 7b need to be answered “yes” to establish statutory grounds.

The form requires the applicant to specify a schedule to obtain compliance with applicable requirements and to provide the names of attorneys or other consultant who assisted with the application (questions 8 and 9). The form must be signed by the owner or legally authorized representative, notarized and submitted with a \$250.00 application fee.

Legal References:

Missouri Clean Water Law, Chapter 644 RSMo

[644.061](#) Variances, when allowed--petition, fee--variance revoked, when --judicial review, how.

Other Links:

[Variance Application – 644.061 RSMo 1986](#) (MO 780-0181) [PDF](#)

Key Words:

Variance, variance application

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Revised By: Richard J. Laux

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